

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

AUSA: Susan Fairchild

Monica Alaez

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Alberto COLUNGA MENDOZA,
a/k/a Alberto MENDOZA

Case No. Case: 2:23-mj-30036
Assigned To : Unassigned
Assign. Date : 1/26/2023
CMP USA V COLUNGA MENDOZA (LH)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 12, 2023 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 8, United States Code, Section 1326(a)	Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about January 12, 2023, in the Eastern District of Michigan, Southern Division, Alberto COLUNGA MENDOZA, a/k/a Alberto MENDOZA, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about July 18, 2008 at or near Laredo, TX and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: January 26, 2023City and state: Detroit, MI


Complainant's signature

Monica Alaez, Deportation Officer
Printed name and title


Judge's signature

Anthony P. Patti, United States Magistrate Judge
Printed name and title

AFFIDAVIT

I, Monica Alaez, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security, having served with ICE since March 2009. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed the immigration records and system automated data relating to Alberto COLUNGA MENDOZA, which reveal the following:
2. Alberto COLUNGA MENDOZA, a/k/a Alberto MENDOZA, is a forty-five-year-old citizen and native of Mexico who last entered the United States on an unknown date, at an unknown place, without inspection by the U.S. Department of Homeland Security. This affidavit is submitted for the limited purpose of establish probable cause of Unlawful Reentry to the United States, a violation of 8 U.S.C. § 1326(a).
3. On or about March 15, 2008, the Rockaway Twp Police Department, in New Jersey arrested COLUNGA MENDOZA for driving under the influence, possession of cocaine and drug paraphernalia.
4. On or about April 28, 2008, the ICE ERO in New Jersey encountered COLUNGA MENDOZA at the Morris County Jail. On or about July 16, 2008, ICE ERO in Newark, New Jersey served a Notice to Appear on COLUNGA MENDOZA. On or about July 3, 2008, the Immigration Judge in Newark, New Jersey ordered COLUNGA MENDOZA removed from the United States to Mexico. On or about July 18, 2008, ICE ERO removed COLUNGA MENDOZA to Mexico at the Laredo, Texas point of entry.
5. On or about January 12, 2023, the Detroit Police Department arrested COLUNGA MENDOZA under the alias name of Alberto MENDOZA for stolen property, obstructing police, weapons offense-concealed.

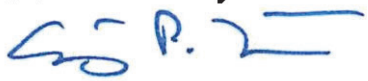
6. On or about January 12, 2023, ICE ERO placed a detainer on COLUNGA MENDOZA with the Detroit Police Department. On or about January 15, 2023, ICE ERO Detroit duty officer transported COLUNGA MENDOZA from the Detroit Detention Center to St Clair County Jail. On or about January 17, 2023, COLUNGA MENDOZA was taken to the Detroit ICE field office for processing and served with a Notice of Intent /Decision to Reinstate prior order. ICE searched his fingerprints in government electronic systems resulting in a positive match for Alberto COLUNGA MENDOZA, DOB XX/XX/1977, AXXX XXX 295, a previously removed alien.
7. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
8. ICE officers reviewed immigration file records and Department of Homeland Security electronic records, indicating that Alberto COLUNGA MENDOZA AXXX XXX 295, did not obtain the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States.

9. Based on the above information, I believe there is probable cause to conclude that Alberto COLUNGA MENDOZA, a/k/a Alberto MENDOZA, is an alien who was found in or reentered the United States after deportation or removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security in violation of Title 8, United States Code, Section 1326(a).



Monica Alaez, Deportation Officer
Immigration and Customs Enforcement

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable Anthony P. Patti January 26, 2023
United States Magistrate Judge